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April 23, 2015

VIA EMAIL and ECF

The Honorable Andrew L. Carter, Jr.
United States Courthouse
40 Foley Square, Room 435
New York, New York 10007

Re: *In re: North Sea Brent Crude Oil Futures Litig.*, 13-md-02475-ALC

Dear Judge Carter:

We represent the Brent Derivative Trader Plaintiffs (“Plaintiffs”) in the above-referenced action. Plaintiffs respectfully seek a modification to the briefing scheduling related to the motion to dismiss filed by Shell International Trading and Shipping Company Limited (“STASCO”) and Shell Trading US Company (“STUSCO”, collectively with STASCO, “Shell”). That schedule was “so ordered” by the Court on April 1, 2015. Plaintiffs’ opposition to Shell’s motion to dismiss is currently due April 24, 2015.

On April 6, 2015, STASCO moved to dismiss Plaintiffs’ complaint for purported lack of personal jurisdiction. [ECF No. 343]. In support of its motion, STASCO filed a memorandum of law and declaration of its executive, Armand Lumens. [ECF Nos. 344, 345]. STASCO heavily relies upon Mr. Lumens’ declaration in its jurisdictional challenges.

On April 13, 2015 Plaintiffs requested a pre-motion conference regarding jurisdictional discovery of STASCO [ECF No 348] to which STASCO responded on April 16, 2015 [ECF No. 349]. Just yesterday, on April 22, 2015, the Court scheduled a pre-motion conference for Friday May 1, 2015. [ECF No. 352].

For the reasons set forth in their letter requesting jurisdictional discovery [ECF No. 348], Plaintiffs believe that they have made a *prima facie* case of jurisdiction over STASCO and that jurisdictional discovery (in particular a deposition of Mr. Lumens) will undermine STASCO’s contradictory factual assertions.

To the extent the Court allows it, the jurisdictional discovery would necessarily be added to Plaintiffs’ record opposing STASCO’s motion to dismiss. Therefore, Plaintiffs respectfully request that they be allowed to file their opposition to the motion to dismiss after the hearing on May 1, 2015. If the Court allows jurisdictional discovery, Plaintiffs request to file their opposition a week after the deposition of Mr. Lumens. If the Court denies this jurisdictional discovery, Plaintiffs would file their opposition at the time of that denial.

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The only other date that this request for extension affects is the scheduled date for Shell's reply brief, which currently is due to be filed on May 1, 2015, one week after Plaintiffs' opposition is filed. Also, no prior extensions of these deadlines have been sought by Plaintiffs. Defendants' have sought one extension on March 25, 2015, which was granted. [ECF No. 339] Counsel for Shell does not consent to this request because Shell's counsel believes that it is important for Shell and the Court to have the benefit of Plaintiffs' opposition brief prior to the pre-motion conference on jurisdictional discovery. In addition, Plaintiffs have sought and received the consent of Counsel for the *Harter* plaintiffs in the related Landholders' action (13-cv-07443-ALC). We appreciate Your Honor's consideration in this matter.

Respectfully submitted,

/s/ David E. Kovel

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cc: All Counsel of Record (by email)